

AN ORDINANCE 100216

AUTHORIZING 1999 GENERAL OBLIGATION STREET IMPROVEMENT BOND FUNDS IN THE AMOUNT OF \$2,350.00, FOR FEE SIMPLE TITLE TO TWO PARCELS OF REAL PROPERTY AND OTHER MISCELLANEOUS EXPENSES ASSOCIATED WITH THE MAYFIELD: IH-35 TO ZARZAMORA METROPOLITAN PLANNING ORGANIZATION PROJECT ("PROJECT"); DECLARING THE PROJECT TO BE A PUBLIC PROJECT FOR THE AQUISITION OF THE FEE SIMPLE TITLE TO CERTAIN PRIVATELY OWNED REAL PROPERTY, TO WIT, ALL OR PORTIONS OF THE PROPERTIES LISTED AS FOLLOWS (1) A 0.00258 ACRE TRACT OF LAND OUT OF THE SOUTH 100 FEET OF ORIGINAL LOT 397, NEW CITY BLOCK 7853; (2) A 0.00258 ACRE TRACT OF LAND OUT OF THE NORTH PART OF ORIGINAL LOT 321, NEW CITY BLOCK 8607, ALL OUT OF HARLANDALE ACRES TRACTS NO. 2, 2ND FILING, AND ALL PROPERTIES BEING IN THE CITY OF SAN ANTONIO, BEXAR COUNTY, TEXAS; ESTABLISHING JUST COMPENSATION FOR THE PROPERTY; APPROPRIATING FUNDS FOR THE PROJECT INCLUDING MISCELLANEOUS EXPENSES ASSOCIATED WITH THE PROJECT SUCH AS TITLE FEES AND ATTORNEY'S FEES; AUTHORIZING THE CITY STAFF AND/OR ITS DESIGNATED REPRESENTATIVES TO NEGOTIATE WITH AND TO ACQUIRE THE PROPERTY FROM THE OWNERS ON THE APPROVED TERMS; APPROPRIATING FUNDS; AND PROVIDING FOR PAYMENT.

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WHEREAS, the City of San Antonio ("City") desires to construct the Mayfield: IH-35 to Zarzamora MPO Project; and

WHEREAS, the construction of the Mayfield: IH-35 to Zarzamora MPO Project is a necessary project; and

WHEREAS, the Project is in the best interest of the health, safety and welfare of the public; and

WHEREAS, it is necessary to construct a portion of the Project upon property that is privately owned; and

WHEREAS, it is further necessary to obtain and acquire the fee simple title interest in two parcels of land for use as part of the Project and the property to be acquired is described as follows:

Parcel No.	Legal	Lot	NCB
17796	Being 0.00258 of an acre of land out of the south 100 feet of original Lot 397, New City Block 7853, Harlandale Acres Tracts No. 2, 2 nd Filing, in the City of San Antonio, Bexar County, Texas as recorded in Volume 642, Page 328 of the Deed and Plat Records of Bexar County.	397	7853
17795	Being 0.00258 of an acre of land out of the north part of original Lot 321, New City Block 8607, Harlandale Acres Tracts No. 2, 2 nd Filing, in the City of San Antonio, Bexar County, Texas as recorded in Volume 642, Page 328 of the Deed and Plat Records of Bexar County.	321	8607

All of the foregoing two parcels are more specifically separately described by metes and bounds in **Attachment I** attached hereto and incorporated herein for all purposes.

WHEREAS, in order to proceed with the acquisition of the property, it is also deemed necessary and appropriate to establish just compensation for the Property to be acquired; and

WHEREAS, independent appraisals for the Property to be acquired have been completed and reviewed by the City Staff and a fair market value determined for the Property; and

WHEREAS, title fees, right of entry fees, and other miscellaneous expenses as necessary, must be authorized and shall be paid for the completion of the Project; and

WHEREAS, funds are available to acquire the necessary right of way and pay the necessary expenses for this project; **NOW, THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Mayfield: IH-35 to Zarzamora Metropolitan Planning Organization Project is hereby declared to be a necessary public project.

SECTION 2. The City Council of the City of San Antonio finds a public necessity exists to acquire the fee simple title to certain privately owned real property, by negotiation, for the location, construction, operation, reconstruction, improvement, repair and maintenance of public improvements including but not limited to street, drainage and/or utility improvements as part of the Mayfield: IH-35 to Zarzamora Metropolitan Planning Organization Project; and

SECTION 3. That just compensation (fair market value) for the property in the amount set out has been considered and approved as shown in **Attachment II** attached hereto and incorporated herein for all purposes.

SECTION 4. The following financial adjustments are hereby authorized to effect this Ordinance:

A.) The amount of \$2,350.00 is appropriated in SAP fund 45972000, "1999 ST IMPRVMT 2001", in SAP GL account 6102100 - Interfund Transfers Out. The amount of \$2,350.00 is authorized to be transferred from SAP fund 45972000 to SAP fund 45099000.

B.) The budget in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00862, shall be revised by increasing WBS element 23-00862-90-04, entitled "Trf Fr 45972000 1999 ST IMPRVMT 2001", SAP Gl Account 6101100 - Interfund Transfers In, by the amount of \$2,350.00.

C.) The amount of \$1,650.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00862, in SAP WBS Element 23-00862-03-02-04 entitled "Acquisition", and is authorized to be encumbered and made payable for land acquisition in connection with the Mayfield: IH35 to South Zarzamora Metropolitan Planning Organization Project, when the purchase order is issued.

D.) The amount of \$500.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00862, in SAP WBS Element 23-00862-03-02-01 entitled "Title", and is authorized to be encumbered and made payable for title fees in connection with the Mayfield: IH35 to South Zarzamora Metropolitan Planning Organization Project, when the purchase order is issued.

E.) The amount of \$200.00 is appropriated in SAP fund 45099000, General Obligation Capital Projects, SAP Project Definition 23-00862, in SAP WBS Element 23-00862-03-02-05 entitled "Miscellaneous", and is authorized to be encumbered and made payable for miscellaneous costs in connection with the Mayfield: IH35 to South Zarzamora Metropolitan Planning Organization Project, when the purchase order is issued.


F.) The financial allocations in this Ordinance are subject to approval by the Director of Finance, City of San Antonio. The Director of Finance may, subject to concurrence by the City Manager, the Interim City Manager, or the City Manager's designee, correct allocation to specific SAP Fund Numbers, SAP Project Definitions, SAP WBS Elements, SAP Internal Orders, SAP Fund Centers, SAP Cost Centers, SAP Functional Areas, SAP Funds Reservation Document Numbers, and SAP GL Accounts as necessary to carry out the purpose of this Ordinance.

SECTION 5. The City staff is hereby directed to negotiate with the owner(s) of the respective parcels for the acquisition of the Property at fair market value as found in Section 4, above, to execute sales agreements purchasing the Property from the owners as the owner's are identified by a Commitment for Issuance of Title Insurance issued by a title insurance company authorized to conduct such practice in the State of Texas and in Bexar County or by order of a Court of competent jurisdiction and to finalize such purchases on behalf of the City of San Antonio. The City Council finds that it is in the best interest to obtain the Property from whomever holds legal and equitable title as identified according to the procedure adopted through this Ordinance and the Director of Finance is directed to disburse funds in accordance herewith.

SECTION 6. Staff is authorized to transfer funds within the project budget to accomplish the project, in accordance with established financial procedures.

SECTION 7. This Ordinance shall be effective on January 16, 2005.

PASSED AND APPROVED this the 6th day of January, 2005.



M A Y O R

EDWARD D. GARZA

ATTEST


CITY CLERK

APPROVED AS TO FORM


CITY ATTORNEY